



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,356	08/09/2000	Terrence Eugene Sterkel		5710

27997 7590 08/04/2003

PRIEST & GOLDSTEIN PLLC
5015 SOUTHPARK DRIVE
SUITE 230
DURHAM, NC 27713-7736

EXAMINER

LEI, TSULEUN R

ART UNIT	PAPER NUMBER
----------	--------------

2686

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,356

Applicant(s)

STERKEL, TERRENCE EUGENE

Examiner

TSULEUN R. LEI

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 20-24 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Fujii et al (UK Patent GB 2251357 A).

Fujii teaches a method of upgrading a wireless telephone comprising the steps of: removing an enhanced services module from a basic telephone module (Fig.13, storage unit 36a is the enhanced services module and storage unit 46 is the basic telephone module, and they can be removed from each other), the enhanced services module operable to perform a group of non time critical functions (Fig.13, Storage unit 36a is operable to perform non time critical functions such as the keypad and display functions); connecting the basic telephone module to a new enhanced services module (Fig.13, storage unit 36b is the new enhance services module); and detecting the connection of the enhanced services module and transferring the processing of the group of non time critical function to the enhanced module (Fig.13, Once external device 43 is

Art Unit: 2686

inserted to the radiotelephone terminal unit 31b, non time critical function stored in the storage unit 46 can be transferred to the enhanced services module 36b).

Allowable Subject Matter

3. Claims 1-18, and 20-24 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1, 17 and 24 recite a basic telephone module for establishing a connection to a base station and processing voice and data for communication with the base station, the basic telephone module performing a group of time critical functions for communication with the base station and a group of non time critical functions; and an enhanced services module adapted to connect with the basic telephone module in order to perform the group of non time critical functions upon detection by the basic telephone module of the existence of the enhanced services module. Claims 1, 17 and 24 further recite the enhanced services module receiving data from the basic telephone module, processing the data and passing processed data to the basic telephone module. None of the prior art references cited in this and the previous Office Action teaches all the features included in Claims 1, 17 and 24, therefore, Claims 1, 17 and 24 are allowed. Claims 2-16 are dependent from claim 1 thus, Claims 2-16 are also allowed.

Art Unit: 2686

Claim 18 recites a method of upgrading a wireless telephone comprising the steps of removing an enhanced services module from a basic telephone module and connecting the enhanced services module to a new basic telephone module, while maintaining the limitation of time critical and non time critical functions of Claim 1. None of the prior art references cited in this and the previous Office Action teaches all the features included in Claim 18 thus, Claim 18 is allowed.

Claim 22 recites a wireless telephone comprising an interface module. A basic telephone module and an enhanced services module can attach to the interface module, and the basic telephone module controls scheduling of data transfer between the basic telephone module and the enhanced services module by indicating when the basic telephone module is ready to receive data or interrupting operation being performed by the enhanced services module when the basic telephone module has data to send to the enhanced services module. None of the prior art references cited in this and the previous Office Action teaches all the features included in Claim 22 thus, Claim 22 is allowed. Claim 23 is dependent from Claim 22, and is therefore allowed.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2686


will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSULEUN R. LEI whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D Banks-Harold can be reached on 703-305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


TRL
July 11, 2003


MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600